

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.262b Housing 2 inmates in county jail cell designed and constructed for single occupancy; conditions; classification system; prohibitions; doors; visual supervision; indemnification for expense or damages; limitation on housing percentage.

Sec. 62b. (1) The rules and standards promulgated under section 62(3) shall not prohibit the housing of 2 inmates in a county jail cell which is designed and constructed for single occupancy and which meets either of the following conditions:

(a) The cell is at least 65 square feet in area and provides unrestricted access to a day area which is available for use by the inmates other than those inmates being disciplined. The day area shall be available at least 14 hours per day and shall contain an average of at least 20 additional square feet of space per inmate.

(b) The cell is at least 55 square feet in area and both of the 2 inmates housed in the cell participate in a day parole program for not less than 32 hours per week.

(2) For purposes of housing inmates as provided for under this section, the sheriff of the county shall develop and implement a classification system classifying the county jail population according to all of the following:

(a) Behavior characteristics.

(b) Similar physical characteristics.

(c) Age.

(d) Type of crime committed and criminal history.

(e) Gender.

(3) The classification system under subsection (2) shall be submitted to and approved by the department. Any classification system in effect on December 31, 1987 shall continue in effect until changed as provided in this subsection.

(4) A person who has no prior criminal convictions may only be housed with another inmate who does not have a prior felony conviction.

(5) Cells in which 2 inmates are housed shall have doors which allow visual supervision, and inmates shall be under visual supervision at least every hour.

(6) An inmate who is subject to section 33b(a) to (cc) shall not be housed in a cell with another inmate as provided for under this section, unless the sentencing judge authorizes the inmate for that housing.

(7) If the state incurs any expense or is liable for damages on any judgment for an action brought as the result of a county housing 2 inmates in a cell as provided in this section, the county in which the action arose shall fully indemnify the state for the expense or damages.

(8) No more than 75% of the total inmate population may be housed 2 to a cell and pretrial inmates must be housed in separate cell blocks or housing units from sentenced inmates. In any jail facility with 5 or more floors, pretrial inmates shall be housed on separate floors from sentenced inmates.

History: Add. 1984, Act 145, Imd. Eff. June 25, 1984;—Am. 1987, Act 252, Eff. Jan. 1, 1988;—Am. 1988, Act 492, Imd. Eff. Dec. 29, 1988;—Am. 2000, Act 211, Imd. Eff. June 27, 2000.

Popular name: Department of Corrections Act

Administrative rules: R 791.501 et seq. of the Michigan Administrative Code.